

February 4, 1985

CONGRESSIONAL RECORD — Extension of Remarks

E 337

LONG-OVERDUE PROTECTION
FOR CIVIL SERVICE EMPLOYEES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1985

● Mr. DYMALLY. Mr. Speaker, today I am introducing legislation which I believe provides long-overdue protection for the many civil service employees in the excepted service. My bill will give excepted service employees the right to administrative due process when adverse personnel actions are taken against them—a right they do not now have.

A wide variety of positions in the civil service are excepted from the competitive process. These positions include attorneys, physicians, scientists, chaplains, handicapped workers, and certain midlevel administrative positions. Positions may be excepted from the competitive service by law, Executive order, or by the Office of Personnel Management. There are over one-half million excepted service employees in executive agencies.

Under current law, Federal employees in the competitive service have the right to receive advance written notice of an adverse action and to respond in writing to the action. They also have the right to appeal an adverse action to the Merit Systems Protection Board, an independent agency established by the Civil Service Reform Act of 1978. These procedures also apply to veterans' preference eligibles in the excepted service. However, all other excepted service employees have no way to defend themselves in an adverse action situation, even though they may have served in the Federal Government for many years. They may be summarily terminated without even knowing the reason for such an action.

The bill I am introducing, with my colleagues, Ms. OAKAR, Mrs. SCHROEDER, Mr. HOYER, and Mr. BARNES, will entitle employees in an executive agency who have served 2 continuous years in the excepted service to these same procedural rights when an adverse action is taken. The bill will not cover personnel in positions which are confirmed by the Senate, or are confidential or policy determining in character.

I strongly believe that excepted service employees will be better able to serve the American public if they are free from the fear of adverse actions taken against them without cause. The right to due process and to defend one's work and career is fundamental to all working men and women. Those in public service should be no exception to the rule.●

A MEMORIAL TRIBUTE TO JOHN
W. JACKSON, JR.

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1985

● Mr. HERTEL of Michigan. Mr. Speaker, I rise today to express my deepest sorrow upon the loss of a close friend and loyal public servant, Michigan Assistant Attorney General John W. Jackson, Jr. Mr. Jackson was in charge of the Michigan attorney general's office in Detroit and, prior to that, represented the Michigan Department of Treasury.

John Jackson, Jr., was a dedicated professional and an exceptionally talented public servant. Mr. Jackson's accomplishments and contributions to Michigan's legal system are certainly impressive and will continue to have an impact on the legal process.

Over the years, many young lawyers, fresh out of law school, served in the attorney general's office and they always found a friend and confidant in John Jackson, Jr. I am proud to have been one of those lawyers.

Mr. Jackson served the State of Michigan with tremendous patience, diligence, conviction, and dedication and always gave of himself to his fellow man. Mr. Jackson's honesty and integrity were the factors that set him apart from other public servants. John Jackson, Jr., was a great family man who dedicated his life to helping others. We thank God for sharing John with us. His quality of professionalism will live on in those he inspired by his example.

I join the fine people of the State of Michigan in paying our highest respect to John Jackson, Jr., and we sorrowfully extend our deepest sympathy to his wife, Berniece, and his son, Javon. We greatly appreciate the outstanding contributions of John Jackson, Jr., to the State of Michigan. He will always be remembered in our prayers.●

THE SECONDARY SCHOOLS
BASIC SKILLS ACT

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 4, 1985

● Mr. FLORIO. Mr. Speaker, I am pleased today to join my colleague, Pat Williams of Montana, in reintroducing the Secondary Schools Basic Skills Act. I would urge my colleagues to join us in supporting this effort to provide necessary funding for assisting local education agencies with large numbers of economically disadvantaged students in upgrading their basic skills.

Mr. Speaker, our Nation's secondary schools are in the midst of an economic and academic crisis. Secondary

schools across this country are experiencing increased dropout rates, and more and more high school students are unable to pass the required basic skills tests necessary not only for graduation but also for functioning in an increasingly complex society and work environment. The President's Commission on Excellence in Education focused our attention to educational studies that have indicated that proficiency in basic skills of reading, writing and comprehension has seriously faltered over the past 20 years. At this time, it is estimated that 23 million Americans, and approximately 13 percent of all 17-year-olds, do not have adequate reading, writing, and comprehension skills to function in everyday life. Last year, in my own State of New Jersey, over 50,000 entering college freshmen took the New Jersey College Basic Skills Test. Less than a third proved proficient in verbal skills and only 12 percent were proficient in elementary algebra.

Despite this proven need in our Nation's high schools for increased attention, our secondary schools are receiving very little funding to strengthen their basic academic program. Department of Education analyses indicate that 77 percent of chapter 1 funds are invested in preschool, kindergarten and lower elementary grades. Our secondary school students are being neglected to the detriment of their future and our country's future.

To correct this inequity, the Secondary Schools Basic Skills Act would provide secondary schools with a 6-year authorization of \$900 million annually to upgrade their basic skills program. Any secondary school in which 20 percent of the student body is economically disadvantaged, would be eligible for funding. The funds would be used for the benefit of all students at that school that are classified as low achievers, and not merely those low-achievers that are also economically disadvantaged. Funding would be discontinued at the end of 2 years if that school could not demonstrate progress in improving the basic skills of its student body. We have however included a 1-year waiver provision if extenuating circumstances precluded an improvement within the space of 2 years.

During the 98th Congress, when Mr. Williams and I introduced this bill, two concerns were expressed by educators relating to the authority of the National Institute of Education (NIE) to administer the program and with the discontinuation of funding if the school could not demonstrate an improvement after 2 years. We have modified our new bill to address these concerns by eliminating the provision establishing a National Secondary Schools Basic Skills panel under NIE authority and placing the program directly under the supervision of the Department of Education and the Secretary of Education. This should eliminate further layers of bureaucracy and